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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,997	10/26/2001	Kevin Lauren Cote	600.1178	3643

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EXAMINER

NGUYEN, PHONG H

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,997

Applicant(s)

COTE ET AL.

Examiner

Phong H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "130 degrees of reciprocating motion" is vague and unclear.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1-5, 7-10 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryson et al. (3,733,947), hereinafter Bryson.

Regarding claims 1 and 21, the device of Bryson et al. discloses the invention as claimed including a transfer element (Fig. 20, 162, 203) to grip and move a sheet material article onto a side table (Figs. 1, 25, item 91), a driver to move the transfer element at a same speed as the side table (col. 17, lines 5-20, especially lines 7-8) during a first time period. The speed of the side table and the transfer element varies as implied in col. 17, lines 5-10.

Regarding claim 2, the driver is configured to move the sheet material to a predetermined position relative to the side table before moving the transfer element at the same speed as the side table (col. 17, lines 5-20, especially lines 5-7).

Regarding claim 3, side clamps of the side table grip the sheet material article (col. 17, lines 5-20, especially lines 7-11, also col. 17, lines 21-25).

Regarding claim 4, the side trimming operation is performed during at least a portion of the first time period (col. 17, lines 21-30).

Regarding claim 5, the driver is configured to move the transfer element at a same speed as a front table of the sheet material article trimmer when the transfer element grips the sheet material article and a front clamp of the sheet material trimmer grips the sheet material article (see col. 16, lines 31-61).

Regarding claims 7-9, the transfer element includes at least one continuous belt including an upper belt and a lower belt (Fig. 20, 162, 203) and a shuttle mechanism (Fig. 6, 73).

Regarding claims 10 and 25, the driver includes an epicycle gear unit (Fig. 6, 62) including a constant speed input member (61) and a variable speed input member (64) to vary the speed of the transfer element (claim 1, d, e).

Regarding claim 22, since the Applicant does not define the phrase "130 degrees of the reciprocating motion", the Bryson's side table 91 anticipates the Applicant's side table. The Bryson's side table has a reciprocating and arcuate motion. See col. 8, lines 16-23.

Regarding claim 23, a curved velocity profile exhibits at a belt roller 156 in Fig. 20.

Regarding claim 24, the transfer element increases speed when the driver is turned on and the transfer element decrease speed as the driver is turned off.

Claim Rejections - 35 USC § 103

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson.

The device of Bryson et al. discloses the invention as claimed as discussed above, including a receiving conveyor (col. 17, lines 29-35) but does not teach a driver configured to move the transfer element at a same speed as a receiving conveyor to move the sheet material article from the side table onto the receiving conveyor. However, Bryson et al. does teach a driver configured to move the transfer element at a same speed as a front table and to move the transfer element at a same speed as the side table (see paragraph 4 above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the driver to move the transfer element at a same speed as a receiving conveyor just as the driver is configured to move the transfer element at a same speed as a front table and to move the transfer element at a same speed as the side table to prevent damage to the work piece.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson in view of Byrt et al. (4,020,722), hereinafter Byrt.

The device of Bryson et al. discloses the invention as claimed except for a servomotor to vary the speed of the transfer element. However, Byrt teaches a

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servomotor to vary the speed of a transfer element (col. 2, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Bryson with a servomotor to vary the speed of the transfer element as taught by Byrt to adjust the rate of work piece production.

Response to Arguments

7. Applicant's arguments filed 06/24/2004 have been fully considered but they are not persuasive. Applicant's arguments in 35 USC 102/103 rejections section are persuasive. However, those limitations are not in the claim language. Thus, Bryson anticipates the Applicant's claimed invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pn*

November 3, 2004

[Signature]
Timothy V. Eley
Primary Examiner